

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA, STATE OF NEW
JERSEY, STATE OF NEW YORK, STATE OF
ILLINOIS, CITY OF CHICAGO AND CITY OF NEW
YORK *ex rel.* JANE DOE,

Plaintiffs,

v.

BALANCE DIAGNOSTICS USA, LLC, MULTI
MOBILE IMAGING, INC., and MOUNT SINAI
DOCTORS RIVERSIDE MEDICAL GROUP,

Defendants.

15 Civ. 2641 (VSB)

UNITED STATES OF AMERICA,

Plaintiff,

v.

BALANCE DIAGNOSTICS USA, LLC,

Defendant.

UNSEALING ORDER

WHEREAS, on or about April 6, 2015, the relator Beverly Marcus (“Relator”) filed a complaint under the *qui tam* provisions of the False Claims Act (“FCA”), 31 U.S.C. §§ 3729 *et seq.*, and similar state and city false claims act laws, against Balance Diagnostics USA, LLC (“Balance”) and Multi Mobile Imaging, Inc., and subsequently filed an amended complaint adding

Mount Sinai Doctors Riverside Medical Group as a defendant, and a second amended complaint (the “Relator Complaint”);

WHEREAS, on or about March 20, 2024, the United States filed a Notice of Partial Intervention notifying the Court of its decision to intervene in the above-referenced action with respect to claims against Balance, and its decision to decline to intervene with respect to the claims against the other defendants named in the Relator Complaint (the “Notice of Partial Intervention”);

WHEREAS, the United States filed a Complaint-in-Intervention (the “Government Complaint”) against Balance;

WHEREAS, the United States, Balance, and the relator entered into a Stipulation and Order of Settlement and Dismissal (the “Settlement”);

WHEREAS, the United States and the relator entered into a Stipulation and Order of Settlement and Release Between the United States and Relator (the “Relator Stipulation”);

IT IS HEREBY ORDERED that:

1. The seal shall be lifted as to this Order and any matter occurring in this action on or subsequent to the date of this Order.

2. All documents submitted in this action before the date of this Order shall remain under seal and shall not be made public, except to the extent the seal was partially lifted pursuant to the Court’s Order dated July 22, 2019, and except as provided for in Paragraph 3 below.

3. The seal shall be lifted as to the Notice of Partial Intervention, the Government Complaint, the Settlement, the Relator Stipulation, and the Relator Complaint.

Dated: New York, New York
May 13, 2024

SO ORDERED:

A handwritten signature in black ink, reading "Vernon Broderick", written over a horizontal line.

HON. VERNON S. BRODERICK
UNITED STATES DISTRICT JUDGE